

appointment of counsel (Paper 64), and motion to shorten the discovery schedule deadlines (Paper 60) are DENIED.

This Order resolves the issues which remain following the Order adopting the first Report and Recommendation (Papers 55 and 57). The matter is hereby returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 27th day of February, 2006.

/s/ J. Garvan Murtha

J. Garvan Murtha

United States District Judge